



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,213	12/21/2001	Houssam Salloum	15354	3461

4859 7590 09/15/2009  
MACMILLAN SOBANSKI & TODD, LLC  
ONE MARITIME PLAZA FIFTH FLOOR  
720 WATER STREET  
TOLEDO, OH 43604-1619

EXAMINER

ALTSCHUL, AMBER L

ART UNIT

PAPER NUMBER

3686

MAIL DATE

DELIVERY MODE

09/15/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/032,213

## Applicant(s)

SALLOUM, HOUSSAM

## Examiner

AMBER L. ALTSCHUL

## Art Unit

3686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 17, 2009 has been entered.

### ***Response to Amendment***

2. In the amendment filed July 17, 2009, the following has occurred: Claims 1-20 remain pending.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7, 9, 10, 13-16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Chou et al., U.S. Patent No. 6,035,289.

5. As per claim 1, Chou teaches a computerized system for selecting a cargo carrier and arranging transportation for cargo, the system comprising: a host computer system having access to data of each of a plurality of cargo carriers, the data representing cargo transportation options available from each of the cargo carriers (see column 6, lines 36-43); Internet access means connecting the host computer system to a user (see column 6, lines 39-41); means in the host computer system for prompting the user for and receiving from the user information concerning cargo to be transported and transportation preferences (see column 5, 31-38); and means in the host computer system for comparing the user information with the available cargo transportation options and sending the user at least one of the available cargo transportation options best matching the user information (see column 6, lines 22-33 and lines 58-61).

6. As per claim 2, Chou teaches the system of claim 1 as described above. Chou further teaches the data of a cargo carrier is electronically delivered to the host computer system (see column 6, lines 39-41).

7. As per claim 3, Chou teaches the system of claim 1 as described above. Chou further teaches the host computer system is linked to the computer system of each of the cargo carriers by an Internet link for accessing the cargo carrier data (see column 6, lines 39-41).

8. As per claim 4, Chou teaches the system of claim 1 as described above. Chou further teaches the data from the cargo carriers includes at least one of marine, air, and land cargo options (see column 5, lines 10-15).

9. As per claim 5, Chou teaches the system of claim 1 as described above. Chou further teaches software of the host computer system receives the information input from the user and

sends the available cargo transportation options to the user in an interactive manner (see column 6, lines 39-41 and lines 58-61).

10. As per claim 6, Chou teaches a method for arranging for cargo transportation by a selected cargo carrier comprising the steps of: providing a host computer system (see column 6, lines 36-43); linking cargo carrier computer systems of a plurality of marine, air, and land cargo carriers to the host computer system, each cargo carrier computer system having data representing cargo transportation options available from the associated cargo carrier including departure, arrival and space availability information (see column 5, lines 10-15, lines 39-44, and column 6, lines 39-41); transmitting information from a user to the host computer system about cargo that is to be transported and transportation preferences (see column 5, 31-38); and comparing in the host computer system the user information and the available cargo transportation options and sending to the user at least one of the available cargo transportation options best matching the user information (see column 6, lines 22-33 and lines 58-61).

11. As per claim 7, Chou teaches the method of claim 6 as described above. Chou further teaches booking transportation of the cargo through the host computer system to the cargo carrier computer system of the one of the cargo carriers selected by the user after receiving the at least one of the available cargo transportation options best matching the user information (see column 3, lines 9-16 and column 4, lines 24-25, the Examiner interprets the posting of executable trades to be a form of booking since both parties have posted prices they are willing to purchase/sell cargo transportation for).

12. As per claim 9, Chou teaches the method of claim 9 as described above. Chou further teaches the data of the cargo carrier computer system also includes price and payment information (see column 5, lines 39-44).

13. As per claim 10, Chou teaches the method of claim 10 as described above. Chou further teaches the data of the cargo carrier computer systems also includes agent information (see column 5, lines 39-44, the Examiner interprets data identifying a carrier to be a form of agent information).

14. Claims 13-16 and 18 recite substantially similar limitations to those already addressed in claims 1-7, 9, and 10 and, as such, are rejected for similar reasons as given above.

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou et al., U.S. Patent No. 6,035,289 in view of UPS Press Release, UPS Advances E-commerce Strategy With Next-Generation Web Tools.

17. As per claim 8, Chou teaches the method of claim 7 as described above. Chou does not explicitly teach tracking the cargo during its transportation by the selected cargo carrier after the step of booking transportation. UPS Press Release 1 discloses a step of tracking cargo during its

transportation by a selected cargo carrier (see paragraph 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to include such a feature in the system of Chou. One of ordinary skill in the art would have been motivated to incorporate such a feature for the purpose of expanding web-based tools in an online cargo carrier environment (see paragraph 1 of UPS Press Release 1).

18. Claim 17 recites substantially similar limitations to those already addressed in claim 8 and, as such, is rejected for similar reasons as given above.

19. Claims 11, 12, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou et al., U.S. Patent No. 6,035,289 in view of Bowman, A paperless world (hereinafter Bowman).

20. As per claims 11 and 12, Chou teaches the method of claim 6 as described above. Chou does not explicitly teach that data of the cargo carrier computer systems includes bill of lading information or customs information. However, Bowman discloses that data of cargo carrier computer systems also includes bill of lading information (see paragraph 22) and customs information (see paragraph 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such data into the system disclosed by UPS Press Release. One of ordinary skill in the art would have been motivated to incorporate such data for the purpose of including data that is necessary for international cargo transportation.

21. Claims 19 and 20 recite substantially similar limitations to those already addressed in claims 11 and 12 and, as such, are rejected for similar reasons as given above.

***Response to Arguments***

22. In the remarks filed July 17, 2009, Applicant argues in substance that (A) has access to data representing cargo transportation options available from each of a plurality of cargo carriers, (B) prompts a user for information concerning cargo to be transported and transportation preferences, (C) compares the user information with the available cargo transportation options, and (D) sends to the user at least one of the available cargo transportation options best matching the user information, as specifically recited in Independent Claim 1.

(A) At page 2 of the July 17, 2009 response, Applicant argues that Chou does not teach having access to data representing cargo transportation options available from each of a plurality of cargo carriers.

In response, the Examiner respectfully disagrees. It is readily apparent that Chou teaches having access to data representing cargo transportation options available from each of a plurality of cargo carriers, (column 6, lines 36-43). Thus, the Examiner respectfully contends that Chou's system of using a clearinghouse to place a shipment is an art recognized equivalent to having access to data representing cargo transportation options available from each of a plurality of cargo carriers.

(B) At page 2 of the July 17, 2009 response, Applicant argues that Chou does not teach prompting a user for information concerning cargo to be transported and transportation preferences.

In response, the Examiner respectfully disagrees. It is readily apparent that Chou teaches prompting a user for information concerning cargo to be transported and transportation



preferences, (column 5, lines 31-38). Thus, the Examiner respectfully contends that Chou's system of shipper's goods and shipment information is an art recognized equivalent to prompting user for information concerning cargo to be transported and transportation preferences.

(C) At page 2 of the July 17, 2009 response, Applicant argues that Chou does not teach comparing the user information with the available cargo transportation options.

In response, the Examiner respectfully disagrees. It is readily apparent that Chou teaches comparing the user information with the available cargo transportation options, (column 6, lines 22-23 and lines 58-61). Thus, the Examiner respectfully contends that Chou's system of using a set of defined attributes is an art recognized equivalent to comparing the user information with the available cargo transportation options.

(D) At page 2 of the July 17, 2009 response, Applicant argues that Chou does not teach sending to the user at least one of the available cargo transportation options best matching the user information.

In response, the Examiner respectfully disagrees. It is readily apparent that Chou teaches sending to the user at least one of the available cargo transportation options best matching the user information, (column 6, lines 22-23 and lines 58-61). Thus, the Examiner respectfully contends that Chou's system of using a set of defined attributes is an art recognized equivalent to sending to the user at least one of the available cargo transportation options best matching the user information.

(E) Applicant asserts that independent claims 6 and 13 set forth different aspects related to the same general concept as claim 1. As such, Applicant's remarks with regard to the application of Chou to these claims are moot in the above Office Action.

23. As such, Applicant's remarks with regard to the application of Chou to claims 1-20 are moot in the above Office Action.

### *Conclusion*

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amber L. Altschul whose telephone number is (571) 270-1362. The examiner can normally be reached on M-Th 7:30-5, F 7:30-4, every other Friday off.

26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gerald J. O'Connor can be reached at (571) 272-6787. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300.

27. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-8219.

28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/A. L. A./

Examiner, Art Unit 3686

September 10, 2009

/Gerald J. O'Connor/  
Supervisory Patent Examiner  
Group Art Unit 3686